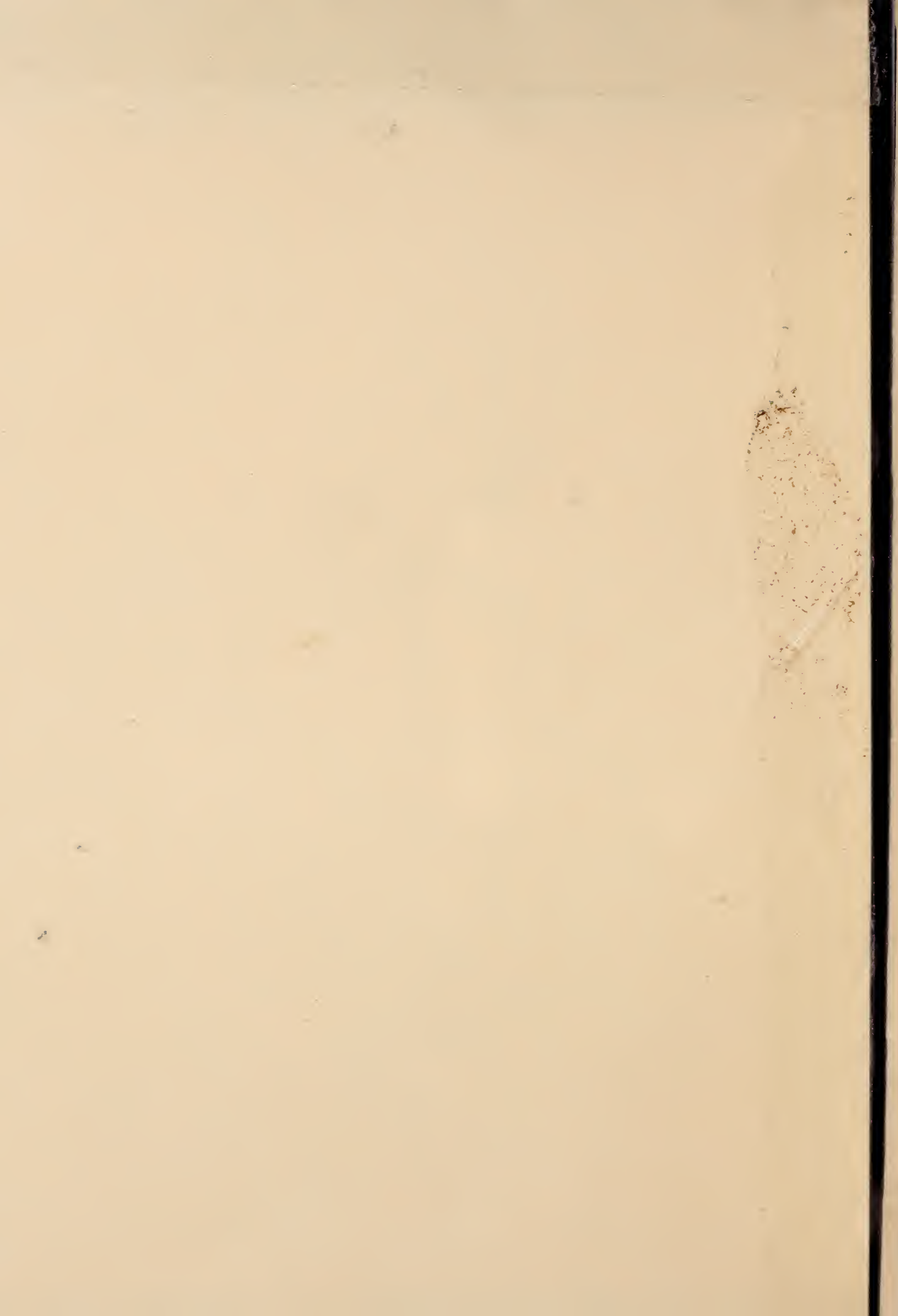


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United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE INSECTICIDE ACT

[Given pursuant to section 4 of the Insecticide Act]

1451-1490

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 10, 1936]

1451. Adulteration and misbranding of Ortho Garden Caltox. U. S. v. California Spray Chemical Corporation. Plea of guilty. Fine, \$75. (I. & F. no. 1760. Sample no. 1654-A.)

This product contained a smaller percentage of the active ingredient and a larger percentage of inert ingredients than declared on the label, and when used as directed would not be an effective control for certain insects for which it was recommended as an insecticide.

On January 4, 1935, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the California Spray Chemical Corporation, trading at Berkeley, Calif., alleging shipment by said company on or about February 12, 1932, from the State of California into the State of Washington of a quantity of Ortho Garden Caltox which was an adulterated and misbranded insecticide other than paris green and lead arsenate within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statements, "Active Ingredient Barium Fluosilicate---50% Inert Ingredients---50%", borne on the carton label, represented that its standard and quality were such that it contained an active ingredient, barium fluosilicate, in a proportion of not less than 50 percent and contained inert ingredients in a proportion not greater than 50 percent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, since it contained less than 50 percent of barium fluosilicate and contained more than 50 percent of inert ingredients.

Misbranding was alleged for the reason that the following statements, "Active Ingredient—Barium Fluosilicate---50% Inert Ingredients---50% * * * We guarantee this material to be true to label", and "For control of Beetles and other Chewing Insects * * * Directions and Uses 'Garden Caltox' is used for the control of : * * * corn borer * * * squash bug * * * weevils (snout beetles) * * * codling moth; Experiments by United States Department of Agriculture Entomologists indicate that Barium Fluosilicate may be substituted for Lead Arsenate in controlling Codling Moth, thus reducing Lead Arsenate Residue problem. Follow regular Lead Arsenate or Lead Arsenate-Oil Spray program, substituting 'Ortho Garden Caltox' for the Lead Arsenate in any or all sprays", borne on the carton label, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since they represented that the article contained not less than 50 percent of barium fluosilicate, not more than 50 percent of inert ingredients, and was true to label, and when used as directed would control all beetles, all chewing insects, corn borers, squash bugs, all weevils, and codling moths in all sections; whereas the article contained less than 50 percent of barium fluosilicate, more than 50 percent of inert ingredients, was not true to label, and when used as directed would not control all beetles, all chewing insects, corn borers, squash bugs, all weevils, and codling moths in all sections.

On January 21, 1936, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$75.

M. L. WILSON, *Acting Secretary of Agriculture.*

1452. Misbranding of CN Dog Soap, liquor cresolis compositus U. S. P., and Vaposector Fluid. U. S. v. West Disinfecting Co., a corporation. Plea of guilty. Fine, \$100 on two counts; sentence suspended and defendant placed upon probation with respect to the remaining counts. (I. & F. no. 1827. Sample nos. 22001-B, 22628-B, 25983-B, 54581-A.)

The labels of these articles bore erroneous statements as follows: That the CN Dog Soap was preventive of infestation of animals with ticks and other parasites; that the liquor cresolis compositus possessed a phenol coefficient of not less than 4.5; that the Vaposector Fluid was an effective insecticide against moths and that it was nonpoisonous.

On December 12, 1935, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the West Disinfecting Co., a corporation, Long Island City, N. Y., alleging shipment by it in violation of the Insecticide Act of 1910, in the period from on or about January 4, 1934, to on or about January 16, 1935, from the County of Queens, N. Y., to several places in other States, of quantities of CN Dog Soap, liquor cresolis compositus, U. S. P., and Vaposector Fluid which were misbranded insecticides and fungicides within the meaning of the Insecticide Act of 1910.

The articles were labeled in part: (Carton) "CN Dog Soap A West Guaranteed Product"; (drum) "Liquor Cresolis Compositus U. S. P. West Disinfecting Company, Long Island City, N. Y."; (can) "Vaposector Fluid * * * A New Insecticide."

Misbranding of the CN Dog Soap was charged under the allegations that the carton bore the statements, "CN Dog Soap Helps to prevent animal from becoming infested with * * * ticks or other parasites. * * * This will prove an effective remedy against * * * ticks and other parasites", that the said statements were false and misleading, and that the article was labeled and branded so as to deceive and mislead the purchaser, in that the said article would not prevent animals from becoming infested with ticks and other parasites.

Misbranding of the liquor cresolis compositus U. S. P. was charged under the allegations that the label affixed to the drum bore the statements "Guaranteed to be 4.5 times stronger bacteriologically than pure Carbolic Acid when tested against a vigorous culture of *B. Typhosus* by the Hygienic Laboratory Phenol Coefficient Method of the United States Public Health Service, or the F. D. A. Method of the United States Department of Agriculture", that the said statements were false and misleading, and that the article was labeled and branded so as to deceive and mislead the purchaser in that the article possessed a phenol coefficient lower than 4.5, to wit, 2.0.

Misbranding of the Vaposector Fluid was charged under the allegations that the label on the can bore the statements, "For * * * moths, * * * use two ounces of Vaposector Fluid per 1,000 cubic feet * * * For * * * moths * * * use two ounces per 1,000 cubic feet * * * D. to * * * moths", that the said statements were false and misleading, and that the article was labeled and branded so as to deceive and mislead the purchaser in that the said article when used as directed would not act as an effective insecticide against moths; and (b) under the allegations that the label on the can bore the statement "Harmless to * * * human beings" and that said statement was false and misleading, and that the article was labeled and branded so as to deceive and mislead the purchaser, in that the said statement purported and represented that said article was nonpoisonous when, in truth, the said article was not nonpoisonous.

The information further charged that the CN Dog Soap also was misbranded under the Food and Drugs Act, reported in notice of judgment no. 25398 published under that act.

On January 24, 1936, a plea of guilty was entered, a fine of \$100 was imposed on two of the counts charging violation of the Insecticide Act of 1910, sentence was suspended, and defendant was placed on probation with respect to the remaining counts.

M. L. WILSON, *Acting Secretary of Agriculture.*

1453. Misbranding of Sulfo-Kresol-Tabs. U. S. v. Ehrhart & Karl, Inc. Plea of guilty. Fine, \$50 and costs. (I. & F. no. 1886. Sample no. 19495-B.)

The label of this article bore an erroneous statement concerning its formula and strength, and falsely represented that it was effective as a disinfectant and deodorant. An inert substance was among its ingredients, but its label did not comply with the legal requirements applicable to such condition.

On April 29, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ehrhart & Karl, Inc., a corporation, Chicago, Ill., alleging shipment in violation of the Insecticide Act of 1910, on or about April 24, 1935, from Chicago, Ill., to Franklin, Ind., of a quantity of Sulfo-Kresol-Tabs which was a misbranded fungicide within the meaning of the aforesaid act of Congress.

Misbranding of the article was charged (a) under the allegations that the label affixed to the bottle bore the statements, "Sulfo-Kresol-Tabs ($C_6H_5N.SO.$) Disinfectant * * * and is many times more powerful than Carbolic Acid or Corrosive Sublimate", that the article was not Sulfo-Kresol and did not possess the formula ($C_6H_5N.SO.$); that the article would not act as an effective disinfectant in the concentration or dosages recommended on the label and was not more powerful than carbolic acid or corrosive sublimate, and that the aforesaid statements were false and misleading and that thereby the article was labeled and branded so as to deceive and mislead the purchaser; (b) under the allegations that the label bore the statements, "Disinfectant and deodorizer for sick room, one tablet to one ounce of water", that the article when used as directed would not act as an effective disinfectant for the sick room, that the aforesaid statements were false and misleading and that thereby the article was labeled and branded so as to deceive and mislead the purchaser; (c) under the allegations that the article consisted partially of an inert substance or ingredient, milk sugar, that the name and percentage amount of the said inert ingredient were not plainly and correctly stated on the label; nor, in lieu thereof, were the name and the percentage amount of each and every ingredient of the article having fungicidal (bactericidal) properties and the total percentage of the inert ingredients present therein, stated plainly and correctly on the label.

It also was charged in the information that the article was misbranded under the Food and Drugs Act, reported in notice of judgment no. 25802 published under that act.

On May 25, 1936, a plea of guilty having been entered, a fine of \$50 and costs was imposed for violation of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

1454. Misbranding of Banol. U. S. v. William R. Appleman (Banol Co.). Plea of guilty. Fine, \$10 and costs. (I. & F. no. 1850. Sample no. 33298-B.)

The label of this article bore unwarranted claims regarding its efficacy as a germicide, disinfectant, and insecticide.

On January 2, 1936, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William R. Appleman trading under the name of the Banol Co., Kendallville, Ind., alleging shipment on or about February 16, 1935, from Kendallville, Ind., to Grand Rapids, Mich., of a quantity of Banol that was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

Misbranding of the article was charged under the allegations that the label affixed to the bottle containers bore statements as follows, "Germicide, Disinfectant * * * Germicide—In case of sickness or contagious diseases, spray Banol freely and frequently all over the room, bed, etc. This will be found beneficial to the patient by refreshing the air in the room and counteracting the spreading of disease. Disinfectant, Deodorant—Banol is found very effective for disinfecting garbage cans, dog kennels, stables, drains, damp, foul places and any other places having a bad odor. In addition to disinfecting these places it acts as deodorant", that the said statements purported and represented that the articles when used as directed would act as an effective germicide or disinfectant, would refresh the air in the room, and would counteract the spread of disease; that the label affixed to the bottle containers bore other statements, as follows, "Banol * * * Kills * * * And Other Insect Pests * * * Banol Works Wonders in ridding overstuffed furniture of moths by spraying the entire surface * * * Lice, Mites and Fleas on pets—Spray animal lightly and stroke the fur lightly with the hand", that the said statements purported and represented that the article when used as directed would kill all insect pests, would rid overstuffed furniture of moths, would control lice and fleas on pets, and would act as an effective treatment for all varieties of mites that infest pets; that the said statements were false and misleading and that thereby the

article was labeled and branded so as to deceive and mislead the purchaser, since it would not be effective for the said purposes.

The information also charged that the article was misbranded under the Caustic Poison Act, reported in notice of judgment no. 52 published under that act.

On April 28, 1936, a plea of guilty having been entered, a fine of \$10 and costs was imposed for violation of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

1455. Misbranding of Turcosol 17. U. S. v. Turco Products, Inc. Plea of guilty. Fine, \$100. (I. & F. no. 1837. Sample no. 26466-B.)

The label of this article bore erroneous statements regarding its efficacy as a cleanser, sterilizer, and disinfectant, and as to its active ingredient.

On January 17, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Turco Products, Inc., Los Angeles, Calif., alleging shipment by it, in violation of the Insecticide Act of 1910, on or about January 27, 1935, from Los Angeles, Calif., to Seattle, Wash., of a quantity of Turcosol 17 which was a fungicide within the meaning of the aforesaid act and which was misbranded.

Misbranding of the article was charged under the allegations (a) that the label on the tin containers bore the following statements, "Cleans and sterilizes incubators, brooders and poultry houses * * * For disinfecting eggs before placing in incubator—Dip in water containing about 1 teaspoonful of Turcosol 17 for each 1½ gallons of water", that the article would not sterilize incubators, brooders, and poultry houses and would not act as a disinfectant in the dilution specified on the label; that the aforesaid statements were false and misleading and that they were borne on the labels so as to deceive and mislead the purchaser; and (b) under the allegations that the label bore the statement, "Analysis Active Ingredient (available chlorine) 17%", that available chlorine was not the active ingredient thereof, and that said statement was false and misleading and that it was borne on the label so as to deceive and mislead the purchaser.

It was further charged in the information that the article was misbranded under the Food and Drugs and Caustic Poison Acts. See notice of judgment no. 25803 published under the Food and Drugs Act and notice of judgment no. 51 published under the Caustic Poison Act.

On March 2, 1936, a plea of guilty having been entered, a fine of \$100 was imposed for violation of the Insecticide Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

1456. Misbranding of Spratt's Germicide, Spratt's Black Antiseptic Flea Soap, and Spratt's Flea and Insect Powder. U. S. v. Spratt's Patent (America) Ltd. Plea of guilty. Fine, \$150. (I. & F. no. 1828. Sample nos. 1209-B, 1213-B, 21820-B.)

This case involved the following products: Spratt's Germicide, which was labeled with deceptive and misleading representations as to its nonpoisonous character and its germicidal efficacy, and which contained inert ingredients that were not declared on the label as required by law; Spratt's Black Antiseptic Flea Soap, the labeling of which contained deceptive and misleading representations as to its efficacy as an antiseptic and germicide and in treating dogs for ticks; and Spratt's Flea and Insect Powder, which contained less sulphur than declared.

On October 17, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Spratt's Patent (America) Ltd., a corporation trading at Newark, N. J., charging shipment by said corporation in violation of the Insecticide Act of 1910 on December 21, 1933, and September 12, 1934, from the State of New Jersey into the State of California of quantities of articles, labeled "Spratt's Germicide" and "Spratt's Antiseptic Flea Soap" which were misbranded; and on February 15, 1935, from the State of New Jersey into the State of New York of a quantity of Spratt's Flea and Insect Powder that was adulterated and misbranded.

Spratt's Germicide was alleged to be misbranded in that the statements, "Non-Poisonous" and "Disinfectant * * * promptly kills microbes of all kinds. Invaluable for tainted land * * * Kennels infected with mange, distemper or any contagious disease should be freely washed down with the Germicide, Directions—Two tablespoonfuls to a gallon of water", were false and misleading

and by reason of said statements the article was labeled so as to deceive and mislead the purchaser, since the statements represented that the article was nonpoisonous, that when used as directed it would promptly kill microbes of all kinds, would disinfect tainted land, and would disinfect kennels; whereas the article was not nonpoisonous and when used as directed, it would not promptly kill microbes of all kinds, would not disinfect tainted land, and would not disinfect kennels. The article was alleged to be misbranded further in that it consisted partially of inert substances, namely, substances other than sodium hypochlorite, that do not prevent, destroy, repel, or mitigate fungi (bacteria), and the name and the percentage amount of each and every inert ingredient present in the article were not stated plainly and correctly, or at all, on the label; nor in lieu thereof were the names and the percentage amount of each and every ingredient of the article having fungicidal (bactericidal) properties and the total percentage of the inert ingredients stated plainly and correctly, or at all, on the label.

Spratt's Black Antiseptic Flea Soap was alleged to be misbranded in that the statements, "Antiseptic Flea Soap * * * Antiseptic Germicidal * * * Veterinary instruments can be absolutely sterilized with this soap", borne on the packages, and the statements, "Spratt's Antiseptic Soap * * * Veterinary instruments can be absolutely sterilized with it * * * For dog suffering with * * * ticks * * **", contained in an accompanying circular, were false and misleading, and by reason of said statements the article was labeled so as to deceive and mislead the purchaser, since the article when used as directed was not an antiseptic, was not a germicide, would not sterilize veterinary instruments, and would not act as an effective treatment for ticks on dogs.

Spratt's Insect and Flea Powder was alleged to be misbranded in that the statement on the can label, "Powdered Sulphur 30%", represented that the article contained 30 percent of sulphur; whereas its strength and purity fell below the professed standard and quality under which it was sold, since it contained less than 30 percent of sulphur, i. e., approximately 23.63 percent.

Spratt's Insect and Flea Powder was alleged to be misbranded in that the statement "Powdered Sulphur 30%", borne on the label, was false and misleading, and by reason of said statement the article was labeled so as to deceive and mislead the purchaser since the article contained powdered sulphur in a proportion less than 30 percent.

It also was alleged in the information that Spratt's Germicide and Spratt's Antiseptic Black Soap were misbranded under the Food and Drugs Act, as reported in notice of judgment no. 25804 published under that act.

On June 26, 1936, a plea of guilty was entered on behalf of the defendant corporation, and the court imposed a fine of \$150 for violations of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

1457. Adulteration and misbranding of Exserco Antiseptic Safety Deodorant Disinfectant; and misbranding of Exserco Fly Spray, Endol Insect Powder, Exserco Parachloro Moth Doom, Exserco Plant Spray, and Gold Bond Super Parachloro Crystals. U. S. v. Exterminating Service Co., Inc. Plea of guilty. Fine, \$100 and costs. (I. & F. no. 1843. Sample nos. 19574-B, 23844-B, 23899-B, 23900-B, 28691-B, 28692-B, 30136-B.)

These cases involved products the labeling of which bore false and misleading claims regarding their effectiveness in the control of insects and fungi, and other misrepresentations.

On December 24, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Exterminating Service Co., Inc., Pittsburgh, Pa., alleging shipment by said company in violation of the Insecticide Act of 1910, between the dates of March 14 and June 13, 1935, from the State of Pennsylvania into the States of New York and Ohio, of quantities of Exserco Antiseptic Safety Deodorant Disinfectant which was adulterated and misbranded; and of quantities of Exserco Fly Spray, Endol Insect Powder, Exserco Parachloro Moth Doom, Exserco Plant Spray, and Gold Bond Super Parachloro Crystals which were misbranded.

The Exserco Antiseptic Safety Deodorant Disinfectant was alleged to be adulterated in that the statement "Water Inert Not More than 10 Percent", borne on the bottle label, represented that its standard and quality were such that it contained not more than 10 percent of water; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold since it contained water in a proportion greater than 10 percent.

Misbranding of the Exserco Antiseptic Safety Deodorant Disinfectant was alleged for the reason that the statements, "Disinfectant * * * House Cleaning: One table-spoonful to three pints of water", and "Water Inert Not More than 10 Per Cent * * * 6 Ounces", borne on the label, were false and misleading, and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser, since the said statements represented that the article when used as directed would act as an effective disinfectant for house cleaning, that it contained not more than 10 percent of water, and that each of the bottles contained not less than 6 ounces thereof; whereas the article when used as directed would not act as an effective disinfectant for house cleaning, it contained water in a proportion greater than 10 percent, and each of the bottles did not contain 6 ounces of the article but did contain a less amount.

Misbranding of the Exserco Fly Spray was alleged for the reason that the statements, (7-ounce cans) "Spray Exserco on your floors before mopping. Brighten and help disinfect your rugs by its use. * * * Harmless to man or beast", (16-ounce cans) "Exserco Insecticide * * * Kills * * * Moths * * * Thoroughly brush the garment, then spray Exserco * * * afford positive moth protection", borne on the labels, were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser since the said statements represented that the article when used as directed would help disinfect rugs and would afford positive moth protection, without repeated applications, and was nonpoisonous; whereas the article when used as directed would not help disinfect rugs, would not afford positive moth protection without repeated applications, and was poisonous.

Misbranding of the Endol Insect Powder was alleged for the reason that the statements, "Insect Powder", "Harmless To Humans * * * Poisonless", and "Endol Sure Death Insect Powder * * * Kills * * * Bed Bugs * * * And Other Insects * * * Bed Bugs Blow Endol Insect Powder into all cracks and corners of the bed. Blow the powder on the top and bottom of the mattress, and into the cracks on the walls and floors. Repeat this treatment every day for two weeks to kill any young ones which may hatch. * * * Spiders Use Endol Insect Powder as directed for roaches", borne on the can label, were false and misleading and by reason of the said statements the article was labeled so as to deceive and mislead the purchaser in that the said statements represented that the article was insect powder, i. e., that it was ground pyrethrum flowers, that it was harmless to human beings and was poisonless, and that when used as directed it would kill bed bugs, all spiders that might be found in houses, and all other insects; whereas the article was not insect powder, i. e., it was not ground pyrethrum flowers, it was not harmless to human beings, was not poisonless, and when used as directed it would not kill bed bugs, and all spiders that might be found in houses, and all other insects.

Misbranding of the Gold Bond Super Parachlora Crystals was alleged for the reason that the statements, "Contents When Packed Eight Ounces" and "In the new type of vacuum cleaner it may be blown out in the form of powder which penetrates into crevices of upholstered furniture and rugs. This new sanitary fumigant spells death to bugs", borne on the can label, were false and misleading and by reason thereof the article was labeled so as to deceive and mislead the purchaser, in that they represented that the cans contained 8 ounces of the article and that the said article, when used as directed, would act as an effective insecticide against all bugs; whereas the cans did not contain 8 ounces, but did contain a less amount, and the article when used as directed would not act as an effective insecticide against all bugs.

Misbranding of the Exserco Plant Spray was alleged for the reason that the article contained inert substances or ingredients, and the name and percentage amount of each inert substance or ingredient so present in the article were not stated plainly and correctly on the label affixed to each of the cans containing the article; nor in lieu thereof were the name and the percentage amount of each and every substance or ingredient having insecticidal properties, and the total percentage of the inert substances or ingredients present therein, stated plainly and correctly on the label.

Misbranding of the Exserco Parachlora Moth Doom was alleged for the reason that the statement, "Exserco Parachlora Moth Doom Destroys Moths and Their Larvae * * * Preserves Clothing Kills Odors", borne on the package label, together with the fact that each package was equipped with a hanger, indicating that the product would destroy moths and their larvae when it was hung in a room or closet, were false and misleading and by reason thereof the article

was labeled so as to deceive and mislead the purchaser, in that the said statements and the said hanger represented that it would act as an effective insecticide against moths and their larvae when used as intended, and that it would kill odors; whereas the article when used as intended would not act as an effective insecticide against moths and their larvae and would not kill odors.

The information charged that the Exserco Antiseptic Deodorant Disinfectant was also adulterated and misbranded in violation of the provisions of the Food and Drugs Act, reported in notice of judgment no. 25805 published under that act.

On April 13, 1936, a plea of guilty on all counts was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs for violation of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

1458. Misbranding of Gyptol. U. S. v. Folsom Extract Co., Inc. Plea of guilty. Fine, \$5. (I. & F. no. 1862. Sample no. 36546-B.)

This case involved an interstate shipment of an article called "Gyptol", the label of which bore deceptive and misleading representations regarding the effectiveness of the article as a disinfectant.

On March 2, 1936, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Folsom Extract Co., Inc., Lynn, Mass., charging shipment by said corporation on or about July 18, 1935, from the State of Massachusetts into the State of New Hampshire of a quantity of an article described as Gyptol, and alleging that the article was misbranded in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "The Household Disinfectant * * * A teaspoonful to a quart of water for the sickroom and kitchen use, waste pipes, etc. * * * For general cleaning purposes use a teaspoonful in a pail of water", were false and misleading, and by reason of said statement the article was labeled so as to deceive and mislead the purchaser, since the statements represented that the article where used as directed would act as an effective disinfectant for use in the household, sickroom, kitchen, waste pipes, etc., and for general cleaning purposes; whereas, in fact, the article when used as directed would not act as an effective disinfectant for use in the household, sickroom, kitchen, waste pipes, etc., and for general cleaning purposes, and it could not be relied upon to disinfect waste pipes at any dilution.

It was also alleged in the information that the article was misbranded under the Food and Drugs Act, as reported in notice of judgment no. 25806 published under that act.

On August 17, 1936, a plea of guilty was entered to all counts, and the court imposed a fine of \$5 on the count charging violation of the Insecticide Act of 1910.

M. L. WILSON, *Acting Secretary of Agriculture.*

1459. Misbranding of Klوريا. U. S. v. 290 Packages and 4 Dozen Packages of Klوريا. Default decrees of condemnation and destruction. (I. & F. nos. 1880, 1882. Sample nos. 55655-B, 55656-B.)

These cases involved interstate shipments of an article called "Klوريا", the labeling of which bore false and misleading claims regarding its alleged germicidal, sterilizing, and insecticidal properties, and other misrepresentations.

On February 20 and 21, 1936, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 290 packages and 4 dozen packages of Klوريا at Chicago, Ill., alleging that the article was shipped in interstate commerce on or about September 18, October 31, November 18, December 20, 1935, and January 2, 1936, by the Klوريا Co., from Fort Wayne, Ind., and that it was misbranded in violation of the Insecticide Act of 1910.

The article in the lot of 290 packages was alleged to be misbranded in that statements borne on the label, on the bottle, or on the carton were false and misleading and by reason of said statements, the article was labeled so as to deceive and mislead the purchaser in that the statements represented that the article was 40 times more powerful than carbolic acid in destroying germs and was nonpoisonous and safe; whereas the article was not 40 times more powerful than carbolic acid, and was not nonpoisonous and was not safe.

The article in the lot of 4 dozen packages was alleged to be misbranded in that statements borne on the label of the bottle, or contained in accompanying circulars, were false and misleading, and by reason of said statements the article was labeled so as to deceive and mislead the purchaser in that the statements represented that the article was nonpoisonous, was safe to have in the home, and was more powerful against *Staphylococcus aureus* than it was claimed to be against the typhoid germ, and that when used as directed it would sterilize dental plates, bridgework, etc., and when used as directed would act as an effective treatment for all varieties of mange indicated by the term "Dog Mange (Superficial varieties)"; whereas the article was not nonpoisonous and was not safe to have in the home, and it was not more powerful against *Staphylococcus aureus* than it was claimed on the label to be against the typhoid germ, and the article when used as directed would not sterilize dental plates and bridgework, and when used as directed it would not act as an effective treatment for all varieties of superficial mange indicated by the term "Dog Mange (Superficial varieties)."

It was also alleged in the libel that the article was misbranded under the Food and Drugs Act, as reported in notice of judgment no. 25807 published under that act.

On April 29, 1936, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

1460. Adulteration and misbranding of Hyposol. U. S. v. 4 Carboys of Hyposol. Default decree of condemnation and destruction. (I. & F. no. 1852. Sample no. 35868-B.)

This case involved an interstate shipment of an article, designated as "Hypo-sol", the active ingredient of which, available chlorine, was less and the inert ingredients of which were greater than the respective percentages represented on the label.

On November 21, 1935, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of four carboys of an article described as "Hypo-sol", at Logan, Utah, alleging that the article had been shipped in interstate commerce on or about July 12, 1935, by B. K. Heimann (Braun-Knecht-Heimann Co.), from San Francisco, Calif., and that it was adulterated and misbranded in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard or quality under which it was sold.

The article was alleged to be misbranded in that the statements on the label, "Active Ingrid. Avail. Chlorine 4½% Inert Matter 95½%", were false and misleading and tended to deceive and mislead the purchaser, since the active ingredient was not available chlorine, but was sodium hypochlorite, and since the product contained less available chlorine and more inert matter than the percentages thereof stated on the label.

On February 25, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

1461. Adulteration and misbranding of Concentrated Moth-Proofing Solution. U. S. v. The Resistal Products Corporation. Plea of guilty. Fine, \$25. (I. & F. no. 1636. Sample no. 3636-A.)

This product contained less arsenic trioxide and less total arsenic as metallic than declared, and when used as directed would not afford the moth protection claimed.

On January 7, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Resistal Products Corporation, Chicago, Ill., alleging shipment by said company on or about July 13, 1932, from the State of Illinois into the State of Michigan of a quantity of Concentrated Moth-Proofing Solution which was an adulterated and misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was labeled, "Arsenic Trioxide-----17% * * * Total arsenic as metallic (all of which is in water soluble form) 12.75%-Calculated"; whereas it con-

tained arsenic trioxide in a proportion much less than 17 percent and contained arsenic as metallic in a proportion much less than 12.75 percent.

Misbranding was alleged for the reason that the statements, "Arsenic Trioxide-----17% * * * Total arsenic as metallic (all of which is in water soluble form) 12.75%-Calculated", borne on the drum label, were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser, since it contained arsenic trioxide in a proportion much less than 17 percent, and contained arsenic as metallic in a proportion much less than 12.75 percent.

Misbranding was alleged for the further reason that the statement "Concentrated Moth-Proofing Solution", borne on the drum label, was false and misleading and by reason of the said statement, the article was labeled so as to deceive and mislead the purchaser, since the said statement represented that the article when used as directed would moth-proof furniture, rugs, carpets, clothing, hangings, drapes, and blankets in all cases and under all conditions; whereas the article when used as directed would not moth-proof furniture, rugs, carpets, clothing, hangings, drapes, and blankets in all cases and under all conditions.

On May 4, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

1462. Misbranding of Germ-Ax Moth Tabs and Germ-Ax Moth Crystals. U. S. v. The Termo Chemical Co. Plea of guilty. Fine, \$25. (I. & F. no. 1727. Sample nos. 65426-A, 65427-A, 65428-A.)

Unwarranted germicidal and deodorant claims were made for these articles, and the composition of one of them, i. e., the moth crystals, was erroneously implied in statements on its label.

On October 17, 1934, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Termo Chemical Co., a corporation, Chicago, Ill., alleging shipment by it, on or about March 16, 1934, from Chicago, Ill., to Detroit, Mich., of quantities of Germ-Ax Moth Tabs and Germ-Ax Moth Crystals which were insecticides within the meaning of the Insecticide Act of 1910.

Misbranding of the Moth Tabs was alleged in that there was borne on the label of the tabs the statement "Germ-Ax Moth Tabs", that the said statement purported and represented that the article possessed germicidal action, that the article did not possess germicidal action, that the said statement was false and misleading and that thereby the article was labeled and branded so as to deceive and mislead the purchaser; and in that the label on the tabs bore the statements, "To eliminate all obnoxious odors, hang the Germ-Ax in toilets, bathrooms, musty closets, kitchens, hallways, laundry rooms, garbage cans, etc.", that the said statements purported and represented that the article when used as directed would eliminate all obnoxious odors in toilets, bathrooms, musty closets, kitchens, hallways, laundry rooms, garbage cans, etc.; that the article would not effect such an elimination; that the said statements were false and misleading and that thereby the article was labeled and branded so as to deceive and mislead the purchaser.

Misbranding of the Moth Crystals was alleged in that there were borne on the label of the can the statements, "Germ-Ax Moth Crystals * * * Produces Clean * * * Air" and "Germ-Ax Crystals are fast replacing the old-fashioned smelly moth balls, because the odor does not cling to garments after airing"; that the said statements purported and represented that the article possessed germicidal action, that when used as directed it would produce clean air, and that it was composed of material other than that of which the old-fashioned moth ball was composed; that the said statements were false and misleading and that thereby the article was labeled and branded so as to deceive and mislead the purchaser, since it did not possess germicidal action, when used as directed it would not produce clean air, and the said article was composed principally of naphthalene, the same substance of which the old-fashioned moth balls are composed.

On May 19, 1936, a plea of guilty having been entered, a fine of \$25 was imposed.

M. L. WILSON, *Acting Secretary of Agriculture.*

1463. Misbranding of Dovola Creol and Dovola Moth Tab. U. S. v. John J. Smith (Dovola Co.). Plea of guilty. Fine, \$50 and costs. (I. & F. no. 1742. Sample nos. 57923-A, 59116-A, 59119-A.)

These products were misbranded, the Creol because of misrepresentations in the labeling as to its effectiveness as a disinfectant and the Moth Tab because of misrepresentations as to its effectiveness in the control of moths and its alleged deodorant properties. The former contained inert ingredients which were not declared on the label as required by law.

On February 6, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against John J. Smith trading as the Dovola Co., Chicago, Ill., alleging shipment by said defendants in violation of the Insecticide Act of 1910, from the State of Illinois into the State of Missouri on or about May 10, 1933, of a quantity of Dovola Creol and on or about August 5, 1933, of a quantity of Dovola Moth Tab which were misbranded.

The Creol was alleged to be misbranded in that the following statements, "The ideal antiseptic, disinfectant and deodorant. Uses * * * Wounds: One teaspoonful to one pint of boiled water. Sickrooms, Closets and Drains: Three teaspoonfuls to one quart of water. Carpets, Rugs, Etc.: 2 teaspoonfuls to one quart of water. Hand Solution: One teaspoonful to one pint of water", borne on the bottle label, were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser in that they represented that the article when used in the dilutions specified would act as an ideal disinfectant for the places for which it was recommended on the label, and that it would disinfect drains, wounds, the hands, sick rooms, and closets; whereas it would not act as an ideal disinfectant for the places for which it was recommended on the label and would not disinfect drains, wounds, the hands, sick rooms, and closets when used in the dilutions specified. Misbranding of Creol was alleged for the further reason that the article consisted partially of inert substances, namely, water and glycerin, i. e., substances that do not prevent, destroy, repel, or mitigate fungi, and the name and the percentage amount of each of the said inert substances or ingredients present therein were not stated plainly and correctly on the bottle label, nor in lieu thereof were the name and percentage amount of each and every substance or ingredient having fungicidal (bactericidal) properties, and the total percentage of the inert ingredients present stated plainly and correctly on the label.

The Moth Tab was alleged to be misbranded in that the following statements, "Dovola Moth Tab * * * Effective Moth Control * * * Controls Moth Ravage. Use when packing away woolens, Furs, Clothing, etc. in Trunks, Chests, Bags, Closets, Boxes, etc. By slow evaporation the confined fumes of Dovola Moth Tabs will kill all stages of Moth Life", and "To eliminate all obnoxious odors, place Dovola in Toilets, Bathrooms, Musty Closets, Kitchen, Hallways, Laundry Rooms, Garbage Cans, etc.", borne on the labels, were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser in that they represented that the article when used as directed would kill moths under all conditions and would eliminate obnoxious odors in toilets, bathrooms, musty closets, kitchen, hallways, laundry rooms, garbage cans, etc.; whereas the article when used as directed would not kill moths under all conditions and would not eliminate obnoxious odors in toilets, bathrooms, musty closets, kitchen, hallways, laundry rooms, garbage cans, etc.

The Creol was also charged to be misbranded under the Food and Drugs Act reported with other violations of that act in notice of judgment no. 25078.

On November 15, 1935, the defendant entered a plea of guilty, and the court imposed a fine of \$50 and costs for violations of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

1464. Adulteration and misbranding of Maison's Cresol Solution. U. S. v. Hi-Test Laboratories, Inc. Plea of nolo contendere. Fine, \$50. (I. & F. no. 1791. Sample no. 4260-B.)

This case involved a product sold as cresol solution. Examination showed that the tar acids in the product consisted chiefly of phenols other than cresols and that it contained undeclared inert ingredients.

On May 14, 1935, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hi-Test Laboratories, Inc., Cleveland, Ohio, alleging shipment by said company under the name of Maison Labs. Co., on or

about July 3, 1934, from the State of Ohio into the State of Missouri, of a quantity of Maison's Cresol Solution which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statement "Maison's Cresol Solution", borne on the bottle label, represented that its standard and quality were such that the tar acids in the product consisted chiefly of cresols; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, since it did not consist chiefly of cresols, but the tar acids in the product consisted chiefly of phenols other than cresols.

Misbranding was alleged for the reason that the statement "Maison's Cresol Solution", borne on the bottle label, was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser in that the said statement represented that the tar acids in the product consisted chiefly of cresols; whereas the tar acids in the product consisted chiefly of phenols other than cresols. Misbranding was alleged for the further reason that the article consisted partially of inert substances, i. e., water and glycerin, which substances do not prevent, destroy, repel, or mitigate fungi, and the names and percentage amounts of the said inert substances present in the article were not stated plainly and correctly on the bottle label; nor in lieu thereof were the name and percentage amount of each substance or ingredient of the article having fungicidal properties and the total percentage of the inert substances or ingredients so present therein stated plainly and correctly on the label. The information also charged that the product was misbranded under the Food and Drugs Act, reported in notice of judgment no. 25390 published under that act.

On March 27, 1936, a plea of *nolo contendere* was entered on behalf of the defendant company, and the court imposed a fine of \$50 for violation of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

1465. Misbranding of Santol. U. S. v. Ira M. Lippel (Industrial Laboratories). Plea of guilty. Fine, \$10 and costs. (I. & F. no. 1823. Sample no. 35594-B.)

This article contained an inert ingredient, namely, water, and its label was without the statement that is required on the label of a fungicide containing an inert ingredient.

On November 4, 1935, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ira M. Lippel trading under the name of Industrial Laboratories, Baltimore, Md., alleging shipment by him on or about February 1, 1935, from Baltimore, Md., to Williamson, W. Va., of a quantity of Santol which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of an inert substance, namely, water and the name and percentage amount of such substance were not stated plainly and correctly, or at all, on the label affixed to the drums containing the article; nor in lieu thereof were the names and percentage amounts of each and every ingredient of the article having fungicidal properties and the total percentage of the inert ingredients present therein stated plainly and correctly on the said label.

On February 13, 1936, a plea of guilty having been entered, a fine of \$10 and costs was imposed.

M. L. WILSON, *Acting Secretary of Agriculture.*

1466. Adulteration and misbranding of E-Z. U. S. v. The E-Z Bleach Water Co. Plea of guilty. Fine, \$10. (I. & F. no. 1826. Sample no. 36278-B.)

This case was based on an interstate shipment of a fungicide that contained a smaller percentage of active ingredients and a larger percentage of inert ingredients than declared on the label. The labeling bore false and misleading claims regarding its alleged sterilizing properties, and other misrepresentations.

On September 23, 1935, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the E-Z Bleach Water Co., a corporation, New Bedford, Mass., alleging that the said company had delivered for shipment, under the name of the E-Z Products Co., on or about February 16, 1935, from the State of Massachusetts into the State of Rhode Island a quantity of

E-Z which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statements, "Active ingredients Sodium Hypochlorite 5% Inert ingredients 95%", borne on the bottle label, represented that it contained an active ingredient, sodium hypochlorite, in the proportion of not less than 5 percent, and contained inert ingredients in the proportion of not more than 95 percent; whereas its strength and purity fell below the professed standard and quality under which it was sold, since it contained less than 5 percent of sodium hypochlorite and more than 95 percent of inert ingredients.

Misbranding was alleged for the reason that the statements in the labeling, (bottle) "Active ingredients Sodium Hypochlorite 5% Inert ingredients 95%", "Sterilizer * * * the use of E-Z as a sterilizer * * * E-Z is a concentrated Sodium Hypochlorite solution * * * its harmlessness * * * well-known to physicians and chemists", and (carton) "Sterilizer * * *", were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser, since they represented that the article contained the percentages of active and inert ingredients declared and was a sterilizer, was a concentrated sodium hypochlorite solution, and was nonpoisonous; whereas it contained less of the active ingredient and more of the inert ingredients than declared, it was not a sterilizer, was not a concentrated sodium hypochlorite solution, and was not nonpoisonous.

On October 14, 1935, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

1467. Misbranding of Termox Disinfectant. U. S. v. Termo Chemical Co. Plea of guilty. Fine, \$10. (I. & F. no. 1830. Sample no. 35623-B.)

This case involved a product the labeling of which contained misrepresentations regarding its phenol coefficient, and its effectiveness as a disinfectant and insecticide.

On October 2, 1935, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Termo Chemical Co., a corporation, Chicago, Ill., alleging shipment by said company on or about February 13, 1935, from the State of Illinois into the State of Ohio of a quantity of Termox Disinfectant which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the following statements borne on the bottle label, "Phenol Coefficient 2.0 * * * Disinfectant * * * general cleaning: Use 3 teaspoonfuls to each pail of water * * * Sick Room—one tablespoonful to each gallon of water", and "Uses and Directions for roaches, bed bugs, ants, fleas, etc.—One tablespoonful to a pint of water. Small Animal Pets—One teaspoonful to a gallon of water", were false and misleading and by reason of said statements the article was labeled so as to deceive and mislead the purchaser since the article had a phenol coefficient of less than 2.0; when used at the dilutions specified on the label it would not act as a disinfectant for general cleaning and for use in the sickroom; and when used as directed would not act as an effective insecticide against roaches, bed bugs, ants, fleas, etc.

On February 14, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

1468. Adulteration and misbranding of chlorine disinfectant. U. S. v. 5 Carboys of Chlorine Disinfectant. Default decree of condemnation and destruction. (I. & F. no. 1832. Sample no. 35280-B.)

This product contained a smaller proportion of available chlorine and a larger portion of inert ingredients than declared on the label. The inert ingredients present in the article were not declared in the manner required by law.

On September 3, 1935, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of five carboys of chlorine disinfectant at Cleveland, Ohio, alleging that the article had been shipped in interstate commerce on or about May 11, 1935, by Fuld Bros., Inc., from Baltimore, Md., and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Available Chlorine Seven Percent inerts ninety three per cent."

Misbranding was alleged for the reason that the statements, "Available Chlorine Seven Percent inerts ninety three per cent", borne on the label, were false and misleading and tended to deceive and mislead the purchaser and for the further reason that it consisted partially of inert substances, i. e., substances other than sodium hypochlorite and the name and percentage amount of each inert substance were not stated plainly and correctly on the label, nor did the label bear a statement of the name and percentage amount of the ingredient having fungicidal properties and total percentage of inert ingredients.

On December 11, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

1469. Misbranding and alleged adulteration of arsenical copper lime dust. U. S. v. 19 Cases of Arsenical Copper Lime Dust. Default decree of destruction. (I. & F. no. 1844. Sample no. 35149-B.)

This product contained a smaller proportion of the active ingredients and a larger portion of the inert ingredients than declared on the label.

On or about November 6, 1935, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 19 cases of arsenical copper lime dust at Indianapolis, Ind., alleging that the article had been shipped in interstate commerce on or about June 4, 1935, by the Tennessee Corporation, from Lockland, Ohio, and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding was alleged for the reason that the statements, "Active ingredients tricalcium arsenate not less than 15 per cent, monohydrated copper sulphate not less than 20 per cent, inert ingredients not more than 65 per cent", borne on the label, were false and misleading and tended to deceive and mislead the purchaser since the product contained less monohydrated copper sulphate, less tricalcium arsenate, and more inert ingredients than declared on the label.

On January 15, 1936, no claimant having appeared, judgment was entered finding the product misbranded and ordering that it be condemned and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

1470. Adulteration and misbranding of Holcomb's Pine-Ola and misbranding of Fly Repeller. U. S. v. J. I. Holcomb Manufacturing Co. Plea of guilty. Fine, \$25. (I. & F. no. 1846. Sample nos. 35138-B, 35139-B.)

The Pine-Ola involved in this action fell below its professed standard or quality; mineral oil had been substituted in part for it; and its label bore erroneous statements regarding its ingredients, its phenol coefficient, and its efficacy as a disinfectant. The labeling of the Fly Repeller contained unwarranted claims regarding its efficacy as an insecticide.

On February 24, 1936, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the J. I. Holcomb Manufacturing Co., a corporation, Indianapolis, Ind., alleging shipment by it, on or about March 16, 1935, from Indianapolis, Ind., to Slade, Ky., of quantities of Holcomb's Pine-Ola and Fly Repeller which were a fungicide and an insecticide, respectively, within the meaning of the Insecticide Act of 1910.

Adulteration of the Pine-Ola was alleged in that the label affixed to each of the cans bore the statements, "Active Ingredients 85 to 90% Inactive Water 10 to 15%"; that the article contained active ingredients in a proportion less than 85 percent, inactive ingredients in a proportion greater than 15 percent, and inactive ingredients other than water; that the strength and quality of the article fell below the professed standard under which it was sold; and in that another substance, namely, mineral oil, had been substituted in part for the article.

Misbranding of the Pine-Ola was alleged in that the label affixed to each of the cans bore the statements, "Active Ingredient 85 to 90% Inactive Water 10 to 15%"; that the said article contained active ingredients in a proportion less than 85 percent, inactive ingredients in a proportion greater than 15 percent, and

an inert ingredient, namely, mineral oil, in addition to water; that the said statements were false and misleading, and that thereby the article was labeled and branded so as to deceive and mislead the purchaser; in that the label affixed to each of the cans bore the statements, "Pine-Ola * * * (Phenol Coeff F D A Method 3.0)"; that the article was not a pine-oil preparation, but did consist largely of mineral oil; that the article possessed a phenol coefficient of less than 3.0, to wit, 2.0, when tested by the F. D. A. method; in that the label affixed to each of the cans bore the statements, to wit, "Directions. Disinfectant Three tablespoons (2 oz) per gallon of water"; that the article would not act as a disinfectant when used at the dilution of 3 tablespoonfuls to a gallon of water; that the said statements were false and misleading, and that thereby the article was labeled and branded so as to deceive and mislead the purchaser.

Misbranding of the Fly Repeller was charged under the allegations that the label affixed to the drum container bore the statements, "Fly Repeller Spray the animals in the morning before they are turned out to pasture and the Fly Repeller will remain on them the whole day. Flies * * * and other insects will not bother them as before. Do not rub Fly Repeller into the skin of the animal. Spray Fly Repeller liberally around the barns and stalls"; that the said statements represented that the article would act as an effective repellent against all varieties of flies that attack or annoy animals, that it would have repellent action against all varieties of flies or other insects throughout the day, and that it would keep flies out of barns and stalls; that the said statements were false and misleading, and that thereby the article was labeled and branded so as to deceive and mislead the purchaser since it would not act as an effective repellent against all varieties of flies that attack or annoy animals, it would not have repellent action against all varieties of flies and insects throughout the day and would not keep flies out of barns and stalls.

On March 7, 1936, a plea of guilty having been entered, a fine of \$25 was imposed.

M. L. WILSON, *Acting Secretary of Agriculture.*

1471. Misbranding of Grandpa's Wonder Liquid Pine Tar Spray. U. S. v. Beaver-Remmers-Graham Co. Plea of guilty. Fine, \$20. (I. & F. no. 1847. Sample no. 28985-B.)

This article was an insecticide and contained an inert ingredient, namely, water, and its label failed to declare the inert ingredient as required by law.

On December 6, 1935, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Beaver-Remmers-Graham Co., a corporation, Dayton, Ohio, alleging shipment by it, on or about June 20, 1934, from the State of Ohio into the State of Massachusetts of a quantity of Grandpa's Wonder Liquid Pine Tar Spray which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of an inert substance, namely, water, and the name and percentage amount of the said inert ingredient present in the article were not stated plainly and correctly, or at all, on the label affixed to each of the cans containing the article; nor in lieu thereof were the name and percentage amount of each and every ingredient of the article having insecticidal properties and the total percentage of the inert ingredients present therein stated plainly and correctly on the label.

On December 11, 1935, a plea of guilty having been entered, a fine of \$20 was imposed.

M. L. WILSON, *Acting Secretary of Agriculture.*

1472. Misbranding of Peripad Vaporizing Crystals, De-O-Dit, and Peripad Moth Deodorizing Preventative. U. S. v. Wesley J. Moffatt (The Peripad Co.). Plea of guilty. Fine, \$25. (I. & F. no. 1848. Sample nos. 35596-B, 35597-B, 35599-B.)

These products were misbranded because of unwarranted claims regarding their effectiveness in the control of moths, and other misrepresentations in the labeling.

On January 20, 1936, the United States attorney for the Southern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Wesley J. Moffatt trading under the name of the Peripad Co., Indianapolis, Ind., alleging shipment by said defendant on or about March 16 and April 11, 1935, from the State of Indiana into the State of Ohio of quantities of Peripad Vaporizing Crystals, De-O-Dit, and Peripad

Moth Deodorizing Preventative which were misbranded insecticides within the meaning of the Insecticide Act of 1910.

The articles were alleged to be misbranded in that the following statements, (Peripad Vaporizing Crystals) "A Positive Moth Repellent * * * Directions Sprinkle under carpets, rugs, in overstuffed furniture, clothes closets, bureau drawers, trunks, etc. * * * 8 oz. Average Net Weight", (De-O-Dit) "Moth Repellent * * * Directions For Use Punch holes in cellophane under cover and place in bureau drawers, clothes closets, handkerchief boxes, or any place where it is convenient or necessary. Effective for 4 to 6 months * * * Air conditioner"; (Peripad Moth Deodorizing Preventative) "Preventative * * * For Use as a Moth Repellent * * *. Hang Peripads in closets, kitchens, bathrooms, etc., or place under cushions of overstuffed furniture, etc.", borne on the labels, were false and misleading and by reason thereof the articles were labeled so as to deceive and mislead the purchaser in that they represented that the Peripad Vaporizing Crystals would act as a moth repellent and as a moth control when used as directed and that each of the cans contained 8 ounces net of the article; that the De-O-Dit would act as a moth repellent and as a moth control and would act as an air conditioner when used as directed; and that the Peripad Moth Deodorizing Preventative would act as a moth preventative or repellent and as a moth control when used as directed; whereas the articles would not act as moth repellents and as moth controls when used as directed, the cans containing the Peripad Vaporizing Crystals did not each contain 8 ounces of the article, but did contain a less amount and the De-O-Dit when used as directed would not act as an air conditioner.

On February 8, 1936, the defendant entered a plea of guilty and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

1473. Misbranding of Chemo. U. S. v. The Chemo Co. Plea of guilty. Fine, \$75. (I. & F. no. 1849. Sample no. 30532-B.)

The label of this article bore unwarranted statements regarding its efficacy as a disinfectant and insecticide.

On January 6, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chemo Co., a corporation, Buffalo, N. Y., alleging shipment by it, on or about April 4, 1935, from Buffalo, N. Y., to Jersey City, N. J., of a quantity of Chemo which was a misbranded insecticide and fungicide within the meaning of the Insecticide Act of 1910.

Misbranding of the article was charged (a) under the allegations that the label affixed to the can container bore the statements, "The Great * * * Germ Destroyer * * * Is also an excellent * * * Disinfectant"; that the article would not act as a germ destroyer and disinfectant; that the said statements were false and misleading and that thereby the article was labeled and branded so as to deceive and mislead the purchaser; (b) under the allegations that the label affixed to the can container bore the statement, "Destroys the eggs of all insects"; that the article would not act as an effective insecticide against the eggs of all insects; that the said statement was false and misleading, and that thereby the article was labeled and branded so as to deceive and mislead the purchaser.

On March 16, 1936, a plea of guilty having been entered, a fine of \$75 was imposed.

M. L. WILSON, *Acting Secretary of Agriculture.*

1474. Misbranding of Exo. U. S. v. Ralph F. Tipton (Exo-Nox Co.). Plea of guilty. Fine, \$10. (I. & F. no. 1851. Sample nos. 24310-B, 37071-B.)

This case involved interstate shipments of an insecticide (naphthalene with a small amount of perfume), designated as "Exo", the label of which represented that it would act as a control for moths when used as directed, when it would not.

On February 2, 1936, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Ralph F. Tipton trading as the Exo-Nox Co., at Cincinnati and Dayton, Ohio, charging shipment by said defendant on or about April 4, 1935, from the State of Ohio into the State of Georgia, and on or about April 19, 1935, from the State of Ohio into the State of Pennsylvania, of quantities of Exo that was misbranded in violation of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Eko", "Used For Moths", and "Unwrap and Hang Up", borne on the label, were false and misleading and by reason of said statements, the article was labeled and branded so as to deceive and mislead the purchaser, since the statements represented that the article when used as directed would act as a control for moths; whereas, in fact, the article when used as directed would not act as a control for moths.

On February 4, 1936, the defendant entered a plea of guilty, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

1475. Adulteration and misbranding of Blue Cross Crescent Soluble Pine Oil. U. S. v. Purity Chemical Products Co. Fine, \$50. (I. & F. no. 1853. Sample no. 8704-B.)

The label of this article bore erroneous statements regarding its inert ingredients and solubility and incorrectly declared the article nonpoisonous.

On January 13, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Purity Chemical Products Co., a corporation, Santa Rosa, Calif., alleging shipment by it, on or about February 28, 1935, from Santa Rosa, Calif., to Panaca, Nev., of a quantity of Blue Cross Crescent Soluble Pine Oil which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

Adulteration of the article was charged (a) under the allegations that there was borne on the label affixed to the drum container the statement, "Inert * * * 10%", that the article contained inert ingredients in a proportion greater than 10 percent, that the strength and purity of the article fell below the professed standard and quality under which it was sold; (b) under the allegations that there were borne on the label affixed to the drum container of the article the statements, "* * * Pine Oil * * * Germicide * * * Inert Water 10%"; that the said statements purported and represented that the article consisted of a mixture of pine oil and 10 percent of water; that another substance, mineral oil, had been substituted in part for the article, i. e., for pine oil.

Misbranding of the article was charged under the allegations that the statements on the drum label, "Inert water, 10%", "Nonpoisonous", and "Soluble Pine Oil", were false and misleading and that thereby the article was labeled so as to deceive and mislead the purchaser, since it contained inert ingredients in a proportion much greater than 10 percent, it contained another inert ingredient, mineral oil, in addition to water, said article was poisonous, and it was not soluble pine oil; but was a mixture of pine oil, mineral oil, soap, and water, and was not soluble in water.

On February 10, 1936, a plea of guilty having been entered, a fine of \$50 was imposed.

M. L. WILSON, *Acting Secretary of Agriculture.*

1476. Adulteration and misbranding of Chlorocide. U. S. v. R. J. Strassenburgh Co. Plea of guilty. Fine of \$100 on count 2; fine of \$25 on count 1 suspended. (I. & F. no. 1854. Sample no. 23697-B.)

The label of this article bore erroneous statements regarding its inert ingredients, and the article fell below the professed standard under which it was sold. Unwarranted claims of efficacy as a sterilizer and germicide were made for the article.

On January 6, 1936, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the R. J. Strassenburgh Co., a corporation, Rochester, N. Y., alleging shipment by it, on or about May 7, 1935, from Rochester, N. Y., to Butler, Pa., of a quantity of Chlorocide which was a misbranded fungicide within the meaning of the Insecticide Act of 1910.

Adulteration of the article was charged under the allegations that there was borne on the label affixed to the bottle container the statement "Inert Ingredients—Water 63%", that the article contained water in a proportion greater than 63 percent, and that it contained an ingredient other than water, to wit, glycerin, and that the strength and purity of the article fell below the professed standard and quality under which it was sold.

Misbranding of the article was charged (a) under the allegations that there was borne on the label affixed to the bottle container the statement "Inert In-

gredients—Water 63%", that the article contained water in a proportion greater than 63 percent and an inert ingredient in addition to water, to wit, glycerin, that the said statement was false and misleading and that thereby the article was labeled and branded so as to deceive and mislead the purchaser; (b) under the allegations that there were borne on the label affixed to the bottle container the following statements, "A non-toxic germicide and detergent for use in sterilizing gloves and instruments and in preparing operative surfaces and 'scrubbing in' prior to operative work. * * * A 15% solution is germicidal in 5 minutes against the organisms *B. Typhosis* and *staphylococcus aureus* and spores. Stronger solutions are effective in shorter periods", that the said statements were false and misleading and that thereby the article was labeled and branded so as to deceive and mislead the purchaser since the said article when used as directed would not be effective in sterilizing gloves and instruments, in preparing operative surfaces, nor for "scrubbing in" prior to operative work, and would not act as a germicide in 5 minutes against *Bacillus typhosis* and *Staphylococcus aureus* and spores.

On March 10, 1936, a plea of guilty having been entered, fines of \$25 and \$100 were imposed on counts 1 and 2, respectively. Payment of the \$25 fine on count 1 was suspended.

M. L. WILSON, *Acting Secretary of Agriculture.*

1477. Misbranding of Be Square Sweeping Compound. U. S. v. Schwarz Paper Co. Plea of guilty. Fine, \$20 and costs. (I. & F. no. 1855. Sample no. 33120-B.)

The label of this article bore unwarranted statements regarding its efficacy as a disinfectant and insecticide and was without the required declaration concerning the inert ingredients of the article.

On January 18, 1936, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Schwarz Paper Co., a corporation, Lincoln, Nebr., alleging shipment by it, on or about April 1, 1935, from Lincoln, Nebr., to Council Bluffs, Iowa, of a quantity of Be Square Sweeping Compound which was an insecticide and fungicide within the meaning of the Insecticide Act of 1910.

Misbranding of the article was charged (a) under the allegations that there were borne on the label affixed to the drum container the statements, "Contains chemical ingredients recognized by authorities as thoroughly disinfecting * * * disinfects the sweepings * * *", that the article when used as directed would not act as a disinfectant and would not disinfect sweepings, that the said statements were false and misleading and that thereby the article was labeled and branded so as to deceive and mislead the purchaser; (b) under the allegations that there was borne on the label affixed to the drum container of the article the statement, "Saves the merchandise from destruction by dust * * * and eliminates moths and other vermin", that the article when used as directed would not eliminate moths and would not eliminate all other vermin, and that the said statement was false and misleading and that thereby the article was labeled and branded so as to deceive and mislead the purchaser; (c) under the allegations that the article consisted completely of inert substances, and that the name and percentage amount of each and every inert substance or ingredient in the article were not stated plainly and correctly on the label.

On March 27, 1936, a plea of guilty having been entered, a fine of \$20 and costs was imposed.

M. L. WILSON, *Acting Secretary of Agriculture.*

1478. Misbranding of Sanifume Crystals. U. S. v. Royal Manufacturing Co. of Duquesne. Plea of guilty. Fine, \$50 and costs. (I. & F. no. 1856. Sample nos. 28800-B, 28801-B.)

This case involved a product (paradichlorobenzene) which was misbranded because of false and misleading claims regarding its alleged effectiveness in the control of moths.

On December 31, 1935, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Royal Manufacturing Co. of Duquesne, a corporation trading at Duquesne, Pa., alleging shipment by said company on or about May 1, 1935, from the State of Pennsylvania into the State of New York of quantities of Sanifume Crystals which were a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "In the new type of vacuum cleaner it may be blown out in the form of powder which penetrates into crevices of upholstered furniture and rugs. This new sanitary fumigant spells death to moths", borne on the labels affixed to the cans containing the article, were false and misleading, and that thereby the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article when used in vacuum cleaners as directed would act as an effective control against moths in upholstered furniture and rugs; whereas it would not act as an effective control against moths in upholstered furniture and rugs when used in vacuum cleaners as directed.

On April 9, 1936, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

1479. Adulteration and misbranding of C. D. Cide Fifteen. U. S. v. 26 Packages and 11 Packages of C. D. Cide Fifteen. Default decree of condemnation and destruction. (I. & F. no. 1857. Sample no. 40627-B.)

This case involved a product sold as chlorine disinfectant. Examination showed that it contained no available chlorine and that the labeling bore unwarranted claims regarding its alleged germ-killing and disease-preventing properties.

On December 11, 1935, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 37 packages of C. D. Cide Fifteen at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about April 10, 1935, by the Carpenter Certified Laboratories, from Van Nuys, Calif., and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and properties fell below the professed standard and quality under which it was sold.

Misbranding was alleged for the reason that the statements, "Chloride (chlorine) Disinfectant—kills all germs * * * Stop spread of infectious diseases through the drinking water * * * available Chloride (Chlorine) over fifteen per cent sodium chloride and other inert ingredients eighty-five per cent", borne on the package label, were false and misleading and tended to deceive and mislead purchasers, since it was not a chlorine disinfectant, would not kill germs, would not stop the spread of infectious disease through drinking water, and contained no available chlorine; but did consist completely of inert ingredients.

On January 28, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

1480. Adulteration and misbranding of Hammond's Grape and Rose Dust. U. S. v. Hammond Paint & Chemical Co. Plea of guilty. Fine, \$200 on each of 2 counts; fine on second count suspended. (I. & F. no. 1858. Sample no. 22047-B.)

This product contained a smaller proportion of sulphur and a larger proportion of inert material than declared on the label.

On February 7, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Hammond Paint & Chemical Co., a corporation, Beacon, N. Y., alleging shipment by said company on or about March 25, 1935, from the State of New York into the State of New Jersey of a quantity of Hammond Grape and Rose Dust which was an adulterated and misbranded fungicide within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that it fell below the professed standard and quality under which it was sold, since it was labeled "Active Ingredients, not less than: Sulphur 64 percent. * * * Inert Material Not More than 33½ per cent"; whereas it contained sulphur in a proportion much less than 64 percent and contained inert material in a proportion greater than 33½ percent.

Misbranding was alleged for the reason that the statements, "Active Ingredients Not Less than: Sulphur: 64 per cent * * * Inert Material Not More Than 33½ per cent", borne on the can label, were false and misleading, and that thereby the article was labeled so as to deceive and mislead the purchaser, since it contained sulphur in a proportion much less than 64 percent, namely, not more than 52.70 percent, and it contained inert material in a proportion greater than 33½ percent.

On February 13, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$200 on each of the two counts but suspended payment on the second count.

M. L. WILSON, *Acting Secretary of Agriculture.*

1481. Adulteration and misbranding of 10-N Nicotine Dust Special. U. S. v. The Miller Products Co. Plea of guilty. Fine, \$50. (I. & F. no. 1859. Sample no. 31387-B.)

This case involved a product which was found to contain a smaller proportion of sulphur and of nicotine sulphate and a larger proportion of inert ingredients than declared.

On January 24, 1936, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Miller Products Co., a corporation of Portland, Oreg., alleging shipment by said company on or about April 13, 1935, from the State of Oregon into the State of Washington of a quantity of 10-N Nicotine Dust Special which was an adulterated insecticide other than paris green and lead arsenic within the meaning of the Insecticide Act of 1910.

The article was alleged to be adulterated in that the statements, "Active ingredients, sulphur 30% Inert Ingredients, 66.4%", borne on the tag attached to the drums containing the article, represented that it contained sulphur in the proportion of not less than 30 percent, and contained inert ingredients in the proportion of not more than 66.4 percent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold, since it contained less than 30 percent of sulphur and more than 66.4 percent of the inert ingredients.

Misbranding was alleged for the reason that the statements, "Active ingredients, sulphur 30% Inert ingredients 66.4%" and "Nicotine alkaloid 3.6% (Equivalent to 9% nicotine sulphate)", borne on the tags, were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser, in that they represented that the article contained not less than 30 percent of sulphur and not more than 66.4 percent of the inert ingredients, and that 3.6 percent nicotine alkaloid is equivalent to 9 percent nicotine sulphate; whereas the article contained much less than 30 percent of sulphur, much more than 66.4 percent of inert ingredients, and 3.6 percent of nicotine alkaloid is equivalent to much less than 9 percent of nicotine sulphate.

On March 4, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

1482. Adulteration and misbranding of O.K.'d Farm Louse Powder. U. S. v. 86 Cans and 26 Cans of O.K.'d Farm Louse Powder. Default decree of destruction. (I. & F. no. 1860. Sample nos. 41021-B, 41022-B.)

This product contained a smaller percentage of naphthalene, one of the active ingredients, and a larger percentage of the total inert ingredient than declared on the label.

On December 14, 1935, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of eighty-six 5-pound cans and twenty-six 2-pound cans of O. K.'d Farm Louse Powder at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce in various shipments, on or about February 21, March 4, May 29, and June 6, 1935, by the Vitamineral Products Co., from Peoria, Ill., and charging adulteration and misbranding in violation of the Insecticide Act of 1910.

The article was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding was alleged for the reason that the statements "Naphthalene 30% * * * Inert ingredients 63%", borne on the can label, were false and misleading and tended to deceive and mislead the purchaser since the article contained less naphthalene and more of the inert ingredients than declared.

On February 7, 1936, no claimant having appeared, judgment was entered ordering that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

1483. Adulteration and misbranding of Mulsoid-Sulfur. U. S. v. Sherwin-Williams Co., Inc. Plea of guilty. Fine, \$500. (I. & F. no. 1863. Sample nos. 35411-B, 36467-B, 37249-B.)

This case was based on interstate shipments of a product which was short-weight, one shipment of which contained a smaller percentage of sulphur and a larger percentage of inert ingredients than declared on the label.

On April 24, 1936, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sherwin-Williams Co., Inc., Bound Brook, N. J., alleging shipment by said company in violation of the Insecticide Act of 1910 on or about April 11, May 14, and June 10, 1935, from the State of New Jersey into the States of Ohio, Massachusetts, and Florida of quantities of Mulsoid-Sulfur which was misbranded, and a part of which also was adulterated.

The product in the shipment of June 10 into Massachusetts was alleged to be adulterated in that the statement, "Sulfur-not less than 95% Inert ingredients-Not more than 5%", borne on the label affixed to the bag containing the article, represented that its standard and quality were such that it contained not less than 95 percent of sulphur and not more than 5 percent of inert ingredients; whereas it contained less than 95 percent of sulphur and more than 5 percent of inert ingredients.

Misbranding was alleged with respect to the said shipment into Massachusetts for the reason that the statements, "Sulfur not less than 95% Inert ingredients-not more than 5%", borne on the label, were false and misleading and that thereby the article was labeled so as to deceive and mislead the purchaser, since it contained less than 95 percent of sulphur and more than 5 percent of inert ingredients.

Misbranding was alleged with respect to all shipments for the reason that the statements, "Four pounds net weight" and "Six pounds net weight", borne on the labels of the respective-sized packages, were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser since the packages did not contain 4 pounds and 6 pounds net weight, respectively, but did contain lesser amounts.

On May 4, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$500.

M. L. WILSON, Acting Secretary of Agriculture.

1484. Adulteration and misbranding of H & D Health Spray. U. S. v. James A. Haines (Haines Products Co.). Plea of guilty. Fine, \$50 and costs. (I. & F. no. 1865. Sample no. 23283-B.)

This case involved a product, described as "H & D Health Spray", the label of which bore deceptive and misleading representations regarding its disinfecting, germicidal, deodorizing, and insecticidal properties, and which contained formaldehyde, antiseptic vegetable oils, and potassium and sodium in proportions less than the percentages thereof stated on the label, and an inert ingredient, water, the presence of which was not disclosed on the label as required by law.

On February 12, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against James A. Haines trading as the Haines Products Co., Carey, Ohio, charging shipment by said defendant on or about June 8, 1935, from the State of Ohio into the State of Wisconsin of a quantity of an insecticide and fungicide that was adulterated and misbranded in violation of the Insecticide Act of 1910. The article, contained in bottles, was labeled: "H. & D Health Spray Deodorizer Disinfectant Banishes All Odors An Essential in Modern Sanitation Moth and Germ Destroyer Drives out insects. An air purifier leaving a clean and refreshing odor lasting many hours. Found to be an especially efficient germicide in preventing the spread of colds, influenza and many other contagious diseases. Requires very little to be used as it expands very rapidly to all parts of the room. Recommended for use by Morticians, Doctors, Hospitals, Homes, Hotels, Schools, State Institutions, Office Buildings, Beauty Parlors, Dry Cleaners, Steamships, Cab Companies, Bus and Railroad Coaches and Stations, Etc. Formula Formaldehyde U. S. P. 37 percent 6.25 Antiseptic Vegetable Oils 4.00 Potassium and Sodium 2.25 Emulsified in pure water in order to facilitate spraying of each minute particle of oil. * * * Haines Products Co. * * * Carey, Ohio."

The article was alleged to be adulterated in that statements on the label represented that the standard and quality of the article were such that it con-

tained formaldehyde in a proportion of not less than 6.25 percent, antiseptic vegetable oils in a proportion not less than 4 percent, and potassium and sodium in a proportion not less than 2.25 percent; whereas the strength and purity of the article fell below the professed standard and quality under which it was sold in that it contained formaldehyde in a proportion less than 6.25 percent, antiseptic vegetable oils in a proportion less than 4 percent, and potassium and sodium in a proportion less than 2.25 percent.

The article was alleged to be misbranded in that statements borne on the label were false and misleading and by reason of such statements, the article was labeled so as to deceive and mislead the purchaser in that such statements represented that the article contained formaldehyde in a proportion not less than 6.25 percent, antiseptic vegetable oils in a proportion not less than 4 percent, and potassium and sodium in a proportion not less than 2.25 percent, and that the article would act as a health spray, that it would banish all odors, that it would act as an effective disinfectant and germ destroyer when used as a spray in the air, that it would purify the air, that it would act as an effective germicide in preventing the spread of colds, influenza, and many other contagious diseases, that it would act as an antiseptic and that it would destroy moths and would drive out all insects; whereas, in fact, the article contained formaldehyde in a proportion less than 6.25 percent, antiseptic vegetable oils in a proportion less than 4 percent, and potassium and sodium in a proportion less than 2.25 percent, and the article would not act as a health spray when sprayed in the air, would not banish all odors, would not act as an effective disinfectant and germ destroyer when used as a spray in the air, would not purify the air, would not act as an effective germicide in preventing the spread of colds, influenza, and many other contagious diseases, would not act as an antiseptic, and would not destroy moths and would not drive out all insects. The article was alleged to be misbranded further in that, being an insecticide and fungicide, it consisted partially of an inert substance, water, that does not prevent, destroy, repel, or mitigate insects or fungi, and the name and the percentage amount of said inert ingredient were not stated plainly and correctly on the label, nor in lieu thereof were the name and percentage amount of each and every ingredient of the article having insecticidal or fungicidal properties, and the total percentage of inert ingredients present in the article, stated plainly and correctly on the label.

On April 21, 1936, the defendant entered a plea of guilty and the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

1485. Misbranding of Kleenwell Swat Fly and Insect Spray. U. S. v. The Chicago Sanitary Products Co. Plea of guilty. Fine, \$50. (I. & F. no. 1866. Sample no. 33476-B.)

The labeling of this product bore false and misleading claims that it was 100 percent active and would destroy flies when used as directed.

On February 14, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Chicago Sanitary Products Co., a corporation of Chicago, Ill., alleging shipment by said company on or about December 26, 1934, from the State of Illinois into the State of Iowa of a quantity of Kleenwell Swat Fly and Insect Spray which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "100% Active" and "To destroy flies * * * Close doors and windows. Spray Swat toward the ceiling and around the room so that all the insects will be reached. Keep the room closed for ten minutes", borne on the label affixed to the drum containing the article, were false and misleading and that thereby the article was labeled so as to deceive and mislead the purchaser, since it was not 100-percent active and when used as directed would not be effective in destroying flies.

On April 2, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

1486. Misbranding of Antzix. U. S. v. Bonide Chemical Co., Inc. Plea of guilty. Fine, \$50. (I. & F. no. 1867. Sample no. 36287-B.)

This case involved an interstate shipment of an insecticide, described as "Bonide Antzix", the label of which bore deceptive and misleading representations that it would be effective against ants and other insects and that it was nonpoisonous, and did not bear a statement of the inert ingredients, nor in lieu thereof, the active ingredients of the article.

On April 7, 1936, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Bonide Chemical Co., Inc., Utica, N. Y., charging shipment by said corporation on or about March 19, 1935, from the State of New York into the State of Massachusetts of a quantity of an insecticide that was misbranded in violation of the Insecticide Act of 1910. The article, contained in tubes, was labeled in part: "Antzix Kills Ants [representation of ant] Bonide Chem. Co., Inc., Utica, N. Y."

The article was alleged to be misbranded in that statements on the label and in an accompanying circular and display card were false and misleading and by reason of said statements, the article was labeled so as to deceive and mislead the purchaser, since the statements represented that the article when used as directed would act as an effective insecticide against all species of ants and would be effective against some species of ants in from 3 to 5 hours, and that the article would act as an effective insecticide against cutworms, sow bugs, slugs, etc., and would be effective against all other insects and pests, and that the article was nonpoisonous; whereas the article when used as directed would not act as an effective insecticide against all species of ants and would not be effective against any species of ants in 3 to 5 hours, would not act as an effective insecticide against cutworms, sow bugs, slugs, etc., and would not be effective against all other insects and all other pests, and was poisonous. The article was alleged to be misbranded further in that, being an insecticide, it consisted partially of inert substances that do not prevent, destroy, or repel insects, and the name and the percentage amount of each and every inert ingredient were not stated plainly and correctly on the label of the tubes containing the article, nor in lieu thereof were the name and percentage amount of each and every ingredient of the article having insecticidal properties, and the total percentage of the inert ingredients, stated plainly and correctly on the label.

On April 7, 1936, a plea of guilty was entered on behalf of the defendant corporation, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

1487. Misbranding of Moth Proofing Crystals. U. S. v. Termo Chemical Co. Plea of guilty. Fine, \$25. (I. & F. no. 1871. Sample no. 47135-B.)

This product would not afford the moth protection claimed on the labels and contained an undeclared inert ingredient.

On April 2, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Termo Chemical Co., a corporation, Chicago, Ill., alleging shipment by said company on or about March 30, 1935, from the State of Illinois into the State of Missouri, of a quantity of Moth Proofing Crystals which were a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Termox Products Moth Proofing Crystals * * * A wonderful product for Clothes Closets, Dresser Drawers, Trunks, Overstuffed Furniture, or when packing away Furs, Woolens, Blankets, etc. in tight containers. Use one envelope to every 5 cubic feet of confined space", borne on the label, were false and misleading and that thereby the article was labeled so as to deceive and mislead the purchaser, since they represented that the article when used as directed would act as an effective insecticide against moths, and that it would mothproof the said articles and places; whereas it would not act as an effective insecticide against moths and would not mothproof the said articles and places when used as directed.

Misbranding was alleged for the further reason that the article consisted partially of an inert substance or ingredient, sodium chloride, i. e., a substance that does not prevent, destroy, repel, or mitigate moths and the name and per-

centage amount of the inert ingredient were not stated plainly and correctly on the label of each of the envelopes containing the article; nor in lieu thereof were the name and the percentage amount of each substance and ingredient of the article having insecticidal properties, and the total percentage of the inert substance contained therein, stated plainly and correctly on the said envelopes.

On May 19, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

1488. Misbranding of Germco Roach and Waterbug Powder. U. S. v. Sadie B. Jubelirer (German Chemical Co.). Plea of guilty. Fine, \$50 and costs. (I. & F. no. 1873. Sample no. 28649-B.)

The labeling of this product bore unwarranted claims regarding its alleged effectiveness in the control of certain insects, other misrepresentations, and it failed to declare the inert ingredients present in the article.

On March 9, 1936, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Sadie B. Jubelirer trading as the German Chemical Co., Pittsburgh, Pa., alleging shipment by said defendant on or about January 28, 1935, from the State of Pennsylvania into the State of Ohio of a quantity of Germco Roach and Waterbug Powder which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "Safe to Use—Because it is not a poison", "Lasting Results—Because killing power does not abate for a year and it therefore kills the young when they hatch out * * * Germco Powder is lasting", and "Germco * * * Directions * * * For Ants—Shoot the Powder into the air where Ants congregate. * * * It kills the young when they hatch out. * * * ticks and other parasites are destroyed by mere contact with the solution of the active ingredients in the natural oils of the skin and hair. * * * Germco Roach and Waterbug Powder is 100% Active Ingredients, contains no inert ingredients", borne on the can label, were false and misleading and by reason of the said statements, the article was labeled so as to deceive and mislead the purchaser in that they represented that the article was not a poison, that when used as directed it would act as an effective insecticide for 1 year against the insects named on the label, would kill young ants and would act as an effective insecticide against ticks and all other parasites that infest animals, and that it consisted of 100 percent active ingredients; whereas the article was a poison, it would not act as an effective insecticide for 1 year against the insects named on the label, it would not kill young ants and would not act as an effective insecticide against ticks and all other parasites that infest animals, when used as directed, and it did not consist of 100 percent active ingredients but did consist in part of inert ingredients.

Misbranding was alleged for the further reason that the article consisted partially of inert substances and ingredients, namely, substances other than sodium fluoride, borax, boric acid, and pyrethrum flower powder, and the name and percentage of each of the inert ingredients present therein were not stated plainly and correctly on the label affixed to the can containing the article; nor in lieu thereof were the name and percentage amount of each and every substance and ingredient of the article having insecticidal properties and the total percentage of the inert substances present therein stated plainly and correctly on the can label.

On May 8, 1936, the defendant entered a plea of guilty; and on May 19, 1936, the court imposed a fine of \$50 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

1489. Misbranding of V2 Moth Proofing Compound. U. S. v. The De Pree Co. Plea of nolo contendere. Fine, \$50. (I. & F. no. 1878. Sample no. 35298-B.)

The labeling of this product contained unwarranted claims regarding its alleged effectiveness in the control of moths and moth larvae.

On March 18, 1936, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the De Pree Co., a corporation of Holland, Mich., alleging shipment by said company on or about July 24, 1935, from the State of Michigan into the State of Ohio of a quantity of V2 Moth Proofing

Compound which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that the statements, "V2 A Vermitox Product Moth Proofing Compound Protection for One Year Against Moths and Moth Larvae if Applied to Wool or Fur According to Directions", and "A safe, economical, and lasting protection against moths and their larvae if used according to directions", borne on the bottle label, were false and misleading and that thereby the article was labeled so as to deceive and mislead the purchaser, since they represented that the article when used as directed would afford protection against moths and moth larvae; whereas the article would not afford protection against moth and moth larvae when used as directed.

On April 17, 1936, a plea of *nolo contendere* was entered on behalf of the defendant company and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

1490. Misbranding of Florantin. U. S. v. Henry A. Fischel, Inc. Plea of guilty. Fine, \$10. (I. & F. no. 1781. Sample no. 6272-B.)

This case involved an insecticide the labeling of which failed to declare the inert ingredients present therein.

On April 15, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Henry A. Fischel, Inc., Philadelphia, Pa., alleging shipment by said company on or about July 6, 1934, from the State of Pennsylvania into the State of Florida of a quantity of Florentin which was a misbranded insecticide within the meaning of the Insecticide Act of 1910.

The article was alleged to be misbranded in that it consisted partially of inert substances, namely, substances other than nicotine, which said inert substances do not prevent, destroy, repel, or mitigate insects, and the name and percentage amount of each inert substance or ingredient present in the article were not stated plainly and correctly, or at all, on the label borne on the bags containing the article; nor in lieu thereof were the name and percentage amount of each ingredient of the article having insecticidal properties and the total percentage of the inert substances present therein stated plainly and correctly, or at all, on the said label.

On March 6, 1936, motion to quash the information filed on behalf of the defendant company on June 21, 1935, was heard by the court and overruled without opinion. On June 3, 1936, a plea of guilty was entered on behalf of the defendant company and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

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